

**Report of an early Alumni Association of the Harvard  
Law School—Written by William H. Winters for  
the Boston Newspapers and amplified with History  
of the School for the Cincinnati Gazette.**

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A meeting of the students and resident graduates of the Harvard Law School was held in the library room of Dane Hall, on the evening of the twenty-second of June, 1868 for the purpose of proposing a plan for the organization of an association of the past and present members of the school. At this meeting were present Moorfield Storey, Arthur Geo. Sedgwick, John Q. A. Brackett, William Blaikie, John J. McCook, George W. Dillaway, John M. Palmer, Henry T. Wing, Edward J. Holmes, Clark B. Montgomery, Marshall P. Stafford, Nicholas Fish, George H. Bates, Roswell H. Jerome, James Kilbourne, Theodore H. Tyndale, Charles H. Tweed, Vespasian Warner, Edward P. Nettleton, Addison Thomas, Edward O. Brown, Samuel E. Williamson, Edward G. Stetson, Charles W. Clifford, Edward C. Ames, John L. Thorndike and many others.

A Committee was appointed to make arrangements for a second meeting, and to prepare an address to the older members of the school, inviting their attendance at, and co-operation in, the proceedings of the subsequent meeting.

Agreeably to such instruction, the following circular was prepared and issued by the Committee:

CAMBRIDGE, JUNE 25, 1868.

Sir:—The many pleasant, personal and local associations which ordinarily grow out of the assembling together of young men, for the purposes of education and general culture, have often suggested to the members of the Law School of Harvard University a desire to adopt some means of keeping alive an interest in each other's fortunes and success in life, and in preserving those relations of personal regard

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George S. Hillard, by the appointment of Ex-Governor Emory Washburn as Chairman.

Governor Washburn on taking the chair, made a statement of the objects of the meeting, and expressed himself as heartily in favor of the establishment of an association of the character proposed, believing that the existence of such an organization would advantageously affect the prosperity and influence of the School; that it would be a bond of sympathy and union between the members of the profession in all parts of the Union, who have enjoyed the advantages of a legal education at Cambridge, and would assist in securing the success of those important principles, and objects to which the attention of the Alumni had been called in the circular.

On motion of Mr. Edward Gray Stetson, Mr. William Huffman Winters was appointed Secretary.

Hon. Charles Theo. Russell moved that the meeting proceed to the organization of an Association of the School as proposed. The motion was carried.

On motion of Hon. Richard H. Dana, Jr., it was voted that a Committee of five be appointed to draft a Constitution. The Chair appointed as members of said Committee, Messrs. Dana, Lathrop, Wright, Brackett and Babson.

During the absence of the Committee letters were read in response to the circular from Judge George Hoadly, Cincinnati; Gen. George F. Shepley, Portland; Hon. Elihu B. Washburne, Washington, D. C.; Wendell Phillips, Boston; John Lothrop Motley, Boston; William W. Story, Rome, Italy; Governor Rutherford B. Hayes, Columbus, Ohio; Judge Nathaniel Holmes, St. Louis, Mo.; Hon. Andrew G. Magrath, Charleston, S. C.; Hon. Charles A. Peabody, New York City; Hon. A. Oakey Hall, New York City; Judge Marcus Morton, Prof. Theophilus Parsons, and others.

Addresses relating to Law School recollections of the days of Story were made by James Russell Lowell (Class of 1841); Hon. George S. Hillard (Class of 1832); Hon. Richard H.

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Dana, Jr. (Class of 1840); and by other gentlemen, and those who have listened to Wendell Phillips at his best, or Lowell in the lecture room, or Hillard in private conversation with Hawthorne, Sumner or Choate, or Dana in his bar address on the occasion of Choate's death, may gather some idea of the exquisite pleasure enjoyed by the audience from an intellectual feast in which seductive and melodious word-sounds seemed "on golden hinges moving" while illustrating a theme in which all had a peculiar common interest.

The Committee on the Constitution, through their Chairman, Mr. Dana, made their report which was adopted as follows:

## CONSTITUTION OF THE HARVARD LAW ASSOCIATION

### PREAMBLE

The past and present members of the Dane Law School of Harvard University unite to form "The Harvard Law Association," having in view, among others, the following objects: To maintain and advance the character of the Dane Law School,—to promote its general welfare, to revive the pleasing memories of common legal studies, to secure the highest moral and intellectual standards for the legal profession, and to purify it from sectional and all other narrowing influences; also by cultivating a mutual respect and an agreeable social intercourse among its members, to become the medium of a sound public sentiment upon matters outside of the strict limits of professional duty, and to create and strengthen those relations which ought to subsist between educated men whose position gives them influence over the life and thought of the country.

### ARTICLE I—OF MEMBERS

All who have been connected with the Law School, either as professors or students, shall be of right members of the Association.

### ARTICLE II—OF OFFICERS

Section 1. The Officers of the Association shall be a President, five Vice-Presidents, a Recording Secretary, a Corresponding Secretary,

a Treasurer, and an Executive Committee; all of whom shall be elected at regular meetings of the Association to serve for the term of two years.

Section 2. The President shall preside at all meetings, and perform all the other duties usually incident to that office.

Section 3. The Vice-Presidents in the order of seniority shall, in the absence of the President, perform his duties.

They shall be elected from each of the New England, Middle, Southern, Western and Pacific divisions of States.

Section 4. The Recording Secretary shall have charge of all records of the Association, shall make and keep accurate minutes of all meetings, shall prepare and preserve, as accurately as may be, a record of all members of the Association, with the year in which they left the School, their residence, the public positions which they may have held, and any other matters of interest concerning them. He may in his discretion appoint in any State an Assistant Secretary, whose duty it shall be to collect and forward to him any statistics in regard to the members of the Association in that section of the country.

Section 5. The Corresponding Secretary shall conduct the correspondence of the Association.

Section 6. The Executive Committee shall consist of five members, by election, residing in Massachusetts, and the Secretary and Treasurer, ex-officiis.

### ARTICLE III—MEETINGS

There shall be a meeting of the Association every year, at such time as the Executive Committee shall appoint, who shall have authority to call special meetings, with such notice as they shall deem sufficient.

### ARTICLE IV—AMENDMENTS

This Constitution may be amended at any regular meetings of the Association by a vote of two-thirds of those present.

Upon the adoption of the Constitution, a committee on permanent organization, composed of Messrs. Russell, Lowell, Thomas, Clifford and Bates were appointed.

The report of the committee was accepted, and the following members were selected as the officers of the Association for the first term:

President, Hon. Benjamin R. Curtis, Massachusetts;  
Vice-Presidents, Hon. William M. Evarts, New York, Hon.



George Hoadly, Ohio, Hon. Charles Bradley, Rhode Island, Hon. Ogden Hoffman, California, and Hon. Andrew G. Magrath, South Carolina. Recording Secretary, Hon. John Lathrop, Boston; Corresponding Secretary, Charles C. Read, Boston; Treasurer, Wm. I. Bowditch, Boston; Executive Committee, Hon. Richard H. Dana, Jr., Hon. George S. Hillard, Henry W. Muzzey, Esq., Frank Goodwin, Esq. and John F. Smith, Esq.

The following resolution was unanimously adopted.

Resolved, That the members of the Association are earnestly recommended to form auxiliary local clubs in the States and principal cities of the Union to assist in promoting the objects set forth in the preamble to the Constitution.

On motion, the meeting then adjourned.

Hon. William M. Evarts of New York City was subsequently selected to deliver the oration at the first meeting of the Association to be held at the Parker House in Boston in June 1869.

The Law School of Harvard University was organized by the appointment of Isaac Parker, Royall Professor of Law, on September 4, 1815. On May 14, 1817 Asahel Stearns was appointed University Professor of Law. In 1829 a generous bequest by Nathan Dane, the author of the Ordinance of 1787, enabled the corporation to establish the Dane Professorship of Law, and for many years afterwards the School was known as the Dane Law College of Harvard University. Joseph Story was induced to accept the Dane Professorship on June 3, 1829 and he held it until his death on September 10, 1845.

Among its first students were Rufus Choate and Caleb Cushing, both of whom acquired distinction in the classroom of the School and in its Moot Court and Parliament.

It was early noticed that Judge Story's favorite pupils were Charles Sumner, Wendell Phillips, George S. Hillard, John Lothrop Motley, William M. Evarts and Richard H. Dana, Jr.

Sumner was librarian of the School for a time and a lecturer on International Law. He and Hillard edited the *American Jurist* from 1834 to 1840. They eventually formed a law partnership and at one time had as a student in their office Mr. William W. Story, a son of the Judge, and who afterward attained distinction as law writer, essayist, poet and sculptor. Hillard was regarded by Walter Savage Landor and by John Kenyon as the most brilliant conversationalist they had ever met. He was a close and much trusted friend of Daniel Webster and was immortalized by Hawthorne by references in the Custom-House sketch of "The Scarlet Letter," and in the prefatory matter of "Mosses from an Old Manse." He was also an intimate friend of Longfellow, Everett, George Ticknor, George Wm. Curtis, the historian Prescott, and especially of Rufus Choate who alludes often to Hillard's delightful talks whether in public or to a more select audience of two or three. Hawthorne speaks of himself in his Concord life "as having grown fastidious by sympathy with the classic refinement of Hillard's culture."

He is the author of a book of travels "Six Months in Italy" still of interest and classic authority.

NOTE—"The 'Moot Courts' were almost always held as sittings *in banc*. But I remember that, on one occasion Judge Story organized and presided at a *nisi prius* trial. The case was an action upon a policy of marine insurance and it turned upon the question of a total loss. The jury was composed of twelve students, drawn from the Divinity School. I forget how the evidence showing the loss was introduced, but I presume it must have been presented in depositions, borrowed probably from some actual case.

My distinguished and beloved friend, the late Hon. George S. Hillard, is the only one of the Counsel whom I remember as taking part in the trial. He "led" on one side or the other. He closed an impassioned peroration by exclaiming, 'Gentlemen of the jury, the verdict is mine! *I will have it!*' Yet I am quite unable to say how it went. But I know that a great deal was taught in those 'Moots,' in which all the forms were punctiliously observed."—

Benjamin R. Curtis.

Motley was a stylish young man and in the School, after the manner of his beau ideal Byron and whom he so much resembled in personal appearance—Lady Byron once said that he was a perfect image of her husband—he was accustomed to wear a turn-over collar that showed a throat as white and smooth as a woman's.

One of his college contemporaries writes of him—"He was a scholar, and a ripe and good one, but little did any of us imagine that the handsome boy would ever live to study Dutch and write the history of Holland."

In the Latin School, the College and Law School he was very intimate with Wendell Phillips and Oliver Wendell Holmes. At the University of Göttingen he became an acquaintance and friend of Bismarck, the future great German statesman, and he was a frequent visitor to the latter's rooms on the Wall-Promenade and in the house of the tailor in Rothe Strasse not far distant from the Hotel Krone and just off the Weender Strasse.

Everett, Bancroft, Ticknor and Calvert were writers in Göttingen and here Longfellow as student-writer commenced his Pilgrimage of the "Outre-Mer." Motley also wrote here his novel of "Morton's Hope" in which one of the student-characters was Bismarck.

NOTE—In 1875 the publisher of the Public Ledger in Philadelphia having sent Prince Bismarck a cane made from the wood of Independence Hall, the latter acknowledged the gift in the following letter:

"Varzin, July 4, 1875.

Dear Sir:—You have had the goodness to send me, as a support to my old days, a cane made from the tower from whose heights, ninety-nine years ago, the bell was rung for the first time in honor of that great commonwealth whose ship bells now sound their full and welcome tongue in all harbors of the world. For this historical treasure, I beg you to accept my heartiest thanks. I shall honor it, carefully preserve it, and with other relics of remarkable years, bequeath it to my children. This day is one of those which always recall to my mind the happy hours that I have spent on many a Fourth of July with American friends, the first time with John Lothrop Motley, Mitchell G. King and Amory Coffin, in 1832, at Göttingen.



I only wish, my dear sir, that you and I could always be as sound and happy as we four lusty fellows, when, forty-three years ago, we celebrated the Fourth of July at Göttingen."—Von Bismarck.

Motley was later on a fellow-lodger with Bismarck in Berlin at No. 161 Friedrich Strasse and in after life in Brussels and The Hague he wrote in many octavo volumes his histories "The Rise of the Dutch Republic" and the "History of the United Netherlands."

Judge Story was so much pleased with a brief prepared by young Dana in a Law School Moot Court case that he carried it to Washington to show the Judges there what his boys were capable of. Dana in after life was the distinguished counsel in the Anthony Burns Fugitive Slave case, the Kalloch trial, the Dalton Divorce case in which he was opposed by Choate, the Prize and the Halifax Fisheries cases. He was the author of the famous "Two Years Before the Mast" written in early manhood and securing him the unbounded admiration of Dickens, "The Seaman's Friend" and a book of travels "To Cuba and Back". He is also the editor of the Standard Edition of Wheaton on International Law.

Dana wrote an interesting account of his Law School life that was printed in Story's Life and Letters, and in one of his early letters occurs the following:

"The most successful speech made at the school during the whole time I was there, was made before a jury of undergraduates, Judge Story on the bench, by William M. Evarts. A law argument which he introduced into it, addressed to the Court, was the most complete, systematic, precise and elegantly spoken law argument I have ever yet heard, including many arguments of our most distinguished counsel before our highest courts. Indeed Evarts has been a peculiar young man at school, college, and in professional studies. *If he does not become distinguished, he will disappoint more persons than any other young man I have ever met with.*"

It is curious to note the extraordinary influence and fascination exerted in pro-slavery times by the Southern law students.

Phillips frequently alludes to them and is believed to have been a convert to their views on the slavery question up to the time of his marriage. There are those, listening to James Russell Lowell's reminiscences of his Law School days, who noticed that he never failed to speak of the brilliant Southerners of his time. In fact he seldom mentioned any other of his contemporaries. Like Phillips and Holmes he seems to have fallen an easy victim to their literary culture and charming magnetic personalities. Edward Everett Hale in his Harvard reminiscences refers to one of his idols a southern law student.

Alas, that the kindly feeling of School contact and intimacy should have been shattered and dissipated for a time by the bloody episodes of the Civil War when charming young Southern Knights of the School went down in numbers in the Pickett charge at Gettysburg, and Northern romantic figures like the dashing Cavalry Leader Colonel Minor Millikin in the whirlwind charges at Stone River and elsewhere.

And so long ago it was written in the Book of Genesis—"And Abram said unto Lot, let there be no strife, I pray thee, between me and thee, and between my herdsmen and thy herdsmen; *for we be brethren.*"

At the Dedication of the Dane Law College in 1832 Mr. Wendell Phillips and Mr. Benjamin F. Thomas were the chosen representatives of the students of the College, and on the occasion of Judge Story's death in 1845, Mr. Anson Burlingame presided at a meeting of the students of the School that was held in the hall of the Parliament.

Addresses have been delivered before the School and printed by Judge Story on his inauguration as Dane Professor of Law, by Judge Story on the death of Professor Ashmun, by Josiah Quincy on the Dedication of the Dane

Law College, by Rufus Choate on "The American Bar," by Professor Greenleaf on the death of Story, by Professor Joel Parker on the death of Webster, and by Professor Parsons on the death of Choate. There were also printed a lecture by Professor Parsons of reminiscences of distinguished lawyers, and in 1858 an address before Parliament by a student Mr. John P. Jackson of Newark.

In 1851 Hon. Rufus Choate addressed the "The Story Association" of the Law School.

In 1867 Hon. Richard H. Dana, Jr., delivered a course of special lectures on International Law, and in 1868 Professor Parker delivered by request of the Students a lecture on the "Dangers to the Constitution."

In 1868 there was prepared in manuscript by William H. Winters an elaborate and complete Bibliography of the Dane Law School.

Among the distinguished lawyers, jurists, statesmen, diplomats, brilliant orators and men of literature and art enrolled in the Dane Law School membership have been Caleb Cushing, Rufus Choate, Benjamin R. Curtis, Wendell Phillips, Charles Sumner, Oliver Wendell Holmes, John Lothrop Motley, George Ticknor Curtis, George S. Hillard, William M. Evarts, Richard H. Dana, Jr., William W. Story, Rufus King, Rutherford B. Hayes, Emory Washburn, George Hoadly, Elihu B. Washburne, John Wentworth, Anson Burlingame, James Russell Lowell, Henry James, Willie Winter, Francis Parkman, A. Oakey Hall, Joseph H. Choate, William G. Choate, James C. Carter, John L. Cadwalader, Ogden Hoffman, Everett P. Wheeler, Robert Todd Lincoln, Fletcher Webster, William Everett, Alexander H. Bullock, Marcus Morton, John Jacob Astor, Charles J. Bonaparte, Minor Millikin, Edwin A. Parrott, William Kent, Richard Olney, J. L. M. Curry, George F. Shepley, Sidney Webster, Henry A. Cram, George Bliss, Addison Brown, Gunning S. Bedford, John D. Townsend, Larz Anderson, Sidney Bartlett, Chas. A. Peabody, James M. Smith, William Preston, Sam'l G. Arnold, Austen G. Fox, Peter B. Olney,



Albert Stickney, William H. Hurlbert, Charles G. Loring, Benjamin F. Hallett, George W. Smalley, Melville W. Fuller, George M. Towle, Wm. P. Whyte, E. Rockwood Hoar, George F. Hoar, etc.

If all Greek literature and art—statuary, architecture, drama, poetry, history, oratory and philosophy were destroyed or banished from the world, there would be left little of superior interest or merit.

In the Greek States were organized and developed every possible form of City and State Governments, and Athens itself was the source and home of all modern ideas. So if you strike out of American law literature the contributions of the Professors and graduates of the Harvard Law School there will be but little left of merit or worthy of more than mere mention..

Its contributions are those of Simon Greenleaf, Nathan Dane, Emory Washburn, Caleb Cushing, Luther S. Cushing, Francis Hilliard, George Ticknor Curtis, Timothy Walker, Theodore Sedgwick, Asahel Stearns, George Bemis, William Whiting, John Appleton, John G. Marvin, George Bliss, Joseph Willard, Peleg W. Chandler, J. C. Perkins, John Lowell, George F. Betts, Henry D. Sedgwick, John J. Putnam, Francis H. Upton, Richard H. Dana Jr., Theophilus Parsons, William W. Story, Joseph Story and so many others of that remarkable class.

The Harvard Law School is the classic Salamanca, Bologna, Oxford or Göttingen of America and well worthy of the admiration, love and devotion of the Story pupils—the Choates, Sumner, Phillips, Hillard, Dana, Evarts, Burlingame, King and Hoadly.

It is the type and true successor of the old Litchfield Law School and as Reeve, Gould and Calhoun have been and are identified with Litchfield—so Story, Greenleaf, Washburn and Parsons will be associated always with the name and fame of the Cambridge School.

WILLIAM H. WINTERS,

Boston, July 15, 1868.

Class of 1868.

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